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## THE HEBREW SENSE OF SIN IN THE PRE-EXILIC PERIOD

CAROLINE M. BREYFOGLE  
Columbus, Ohio

The article entitled the "Hebrew View of Sin" published in the current number of this journal for October, 1911, in which Professor Henry Preserved Smith shows that "two separate views of sin may be traced in the Hebrew Scriptures, one social and the other ritual," does not render unnecessary the historical study of the subject herewith presented. Any emotion so primitive, so genuine, so universal as that feeling of uneasiness called "sense of sin" is not something posited in life by conscience or by the arbitrary expression of commands; it must have developed in the "adjustment of habits to ends through the medium of a problematic, doubtful, and precarious situation."<sup>1</sup> This must have been the "ground-pattern upon which the present intelligence and emotion are built"; and it is in an endeavor to trace this ground-pattern in the life of the Hebrew people that the present study is made.

In early society, social sentiments were the product of the instinctive impulse of self-preservation and self-assertion and were developed through the formation of habits and customs and by the occurrence of crises and control. Once formed, custom indicated the method of achieving results, hence any breach of custom spelled misfortune, want of adjustment, conflict. When the misfortune was keen enough to awaken fear or when it involved the disapproval of the group offended, including in the group the spirits associated with the interests and value of the group, then the conflict of desire and fear within the individual produced the emotion or feeling called sense of sin. In other words, it was the feeling associated with evil, although evil as ethical wrong and evil as misfortune were not sharply differentiated as with us; that was bad which

<sup>1</sup> John Dewey, "The Interpretation of the Savage Mind," published in Thomas, *Source Book for Social Origins*, p. 185.

was bad for something. This is well illustrated in Arabia today, where the consciousness of sin is scarcely to be found among the ignorant without the accompaniment of misfortune, so that sin and misfortune are practically correlative terms.<sup>2</sup>

Among the Hebrews, the earliest notion of sin is indicated by the use of the Hebrew **חָטָא** as failure of an action to achieve an end or goal inherent in its own activity, when the failure involved some real misfortune: e.g., a seeking which does not find (Prov. 8:36;<sup>3</sup> Job 5:24,<sup>4</sup> both Kal), such a hastening with the feet that one misses the path and thus defeats all haste (Prov. 19:2),<sup>5</sup> making a certain tale of bricks each day and failing to do so when punishment and misfortune followed (Exod. 5:16, cf. 5:13, 14, 17, 19),<sup>6</sup> failing in the intrigue for a throne when life hung upon the issue (I Kings 1:21), failure in those services due from a butler and baker to a king (Gen., chap. 40, cf. 41:9), questioning as to the action in which the failure lies, as Abimelech of Abraham (Gen. 20:9, cf.

<sup>2</sup> Samuel Ives Curtiss, *Primitive Semitic Religion Today*, p. 124.

<sup>3</sup> Prov. 8:36, **חָטָא** means failure in finding the object sought for, as shown by comparison with the parallel in verse 36a: "Whoso findeth me findeth life. . . . He that misseth the way wrongeth his own soul."

<sup>4</sup> **פָּקַד** signifies "to inspect, to investigate" (I Sam. 14:17), or "to pass in review, to muster" (Brown, Driver, and Briggs), evidently for the purpose of finding (Isa. 13:4).

<sup>5</sup> Prov. 19:2. Wildeboer says: "Wo keine Erkenntniss (oder Überlegung) ist, da ist (selbst) der Eifer nicht gut." Haste in itself misses or fails (Prov. 21:5; 28:20).

<sup>6</sup> Exod. 5:16, "And the taskmasters were urgent, saying: Fulfil your works, your daily tasks as when there was straw (vs. 13) . . . and they demanded of them, Wherefore have ye not fulfilled your task both yesterday and today in making brick as heretofore?" (vs. 14). "Then the officers of the children of Israel came and cried unto Pharaoh, There is no straw given thy servants and they say unto us, Make brick; and behold thy servants are beaten and thy people sin" (do not fulfil the daily tale of bricks when the issue is punishment). The answer comes, "Ye are idle, ye are idle . . . go therefore now and work; for there shall no straw be given you, yet shall ye deliver the tale of bricks" (Exod. 5:13-19). The MT reads **וַחֲטָאוּ עִמָּךְ**; LXX Pesh reads **וַחֲטָאוּ לְעַמֶּךָ**; **וַחֲטָאוּ לְפָנֶיךָ**. Dillmann says (*Kom.*, p. 51): "und es sündigt dein Volk," d.h. Israel, welches doch auch dein Volk ist, ist sündig und schuldig (Gen. 43:9); zu **עַם** als fem. vgl. Jud. 18:7; Jer. 8:5 und zu **חָטָא** für **חָטָא** Gen. 33:11, so Kn; s. auch zu 32:17. The text has caused considerable trouble. Dillmann says: "Aber richtig kann das nicht sein." Baentsch (*Hand Kom.*, *in loco*) says of the reconstruction of the LXX Pesh: "Freilich ist denn die Rede etwas scharf wie sie sich für Bittsteller nicht recht ziemt, aber MT giebt keinen Sinn." If translated as indicated above, the difficulty of the text disappears.

31:38), David of Jonathan as concerns King Saul (I Sam. 20:16). In the Hiphil it occurs with יָלַח (Judg. 20:16) "shooting at an hair's breadth and not missing," in the Piel (Gen. 31:39) losing certain of the flock in the shepherding, albeit by wild beasts or theft by night. This confusion of sin and misfortune is further evidenced by the use of the same Hebrew root for both. יָעַר is the shocking brutality at Gibeah (Judg. 20:12, 13), a mischief or injury done one man by another (Gen. 26:29; I Sam. 25:21; Judg. 15:3; 11:27), a wilful transgression paralleled with עָשָׂה (I Sam. 24:11). It is also the misfortune which overtook Lot (Gen. 19:19), the loss to Joseph of his golden cup (Gen. 44:4, cf. Gen. 50:20), a loss enhanced by the divining use of the cup; and any misfortune in general; "shall evil befall a city and the Lord hath not done it" (Amos 3:6, cf. Jer. 2:3; Neh. 1:3; Judg. 15:3; Ps. 90:15). "Behold this evil is of the Lord; why should I wait for the Lord any longer?" (II Kings 6:33, cf. Amos 9:4; Exod. 32:12). In the priestly law חַטָּאת and אֲשָׁם denote both the trespass and the payment which is to make good the trespass (Lev. 5:21-26; 6:19, 23; 19:21, 22; Num. 5:5-7; 6:12; 18:9; II Kings 12:17; I Sam. 6:3).

In the early Hebrew community the pressing needs of life were met as they arose; there was little co-ordination of interests, for "tribal or social solidarity was not so much a recognition of community interests as a proof of the vagueness of man's ideas concerning the boundaries of his own selfhood."<sup>7</sup> His concepts of the natural forces were indefinite and incoherent like the concept of his own interests. Good and the means of its attainment were related in inconsequential and magical ways. Death, misfortune, disease were not the mechanical outworking of the natural forces but they were the punishment exacted by the wilful, animistic powers on the general principle of vengeance controlling human society. This confusion of thought was manifest both in the treatment of disease and in the half-physical, half-moral concept of sin as illustrated by the infection of clean and unclean. Unclean taboos were certain forbidden animals (Deut., chap. 14; Lev., chap. 11; Gen. 8:20; 7:2; I Sam. 14:32 f.; Lev. 17:15; 22:8; Exod. 34:26), certain persons and things connected with birth (Exod. 19:15;

<sup>7</sup> Ralph Barton Perry, *The Moral Economy*, p. 233.

Lev., chap. 12; 15:18; Deut. 23:11; I Sam. 20:26; 21:6; II Sam. 11:4), or with death (Num. 19:11-16; 31:19; 9:6-10; 5:2; Lev. chap. 21) and certain unclean diseases (Lev. 13:15; 22:1-6; Num. 19:11-16; II Kings 5:27). It is well known that these taboos connect with the two great taboos existent among early tribes, those of food and of sex. The physical infection incurred was variously conceived as sin, disease, possession by an evil spirit, or misfortune. As in the early Babylonian religious literature, they are all one and the same thing; a half-physical, half-moral something which has entered the body by magical or supernatural means,<sup>8</sup> whether in retaliation for the act or whether because of a certain kinship between the evil spirit and the doer of the deed, is not always clear, as the use of the term "sons of Belial" indicates.<sup>9</sup> Thus, every patient was a sinner, the curing of sickness and the expiation of sin were identical (Lev. 14:19b), "morals were materialized and nature was demoralized."<sup>10</sup> The law of uncleanness states: "They shall keep my charge lest they bear sin for it" (Lev. 22:9), sin being a bodily imperfection, as the great sin brought by Abraham's action upon Abimelech (Gen. 20:9, 17, cf. 12:17; אִשָּׁם in Gen. 26:10). It was the leprosy laid upon Miriam when she rebelled against Moses: "And Aaron said unto Moses, Oh my

<sup>8</sup> Julian Morgenstern, *The Doctrine of Sin in the Babylonian Religion*, p. 6; Justus Köberle, *Sünde und Gnade*, pp. 6, 23; Fritz Bennewitz, *Die Sünde im Alten Israel*, p. 50; R. Campbell Thompson, *Semitic Magic*, p. 194.

"Dass dieses Sündengefühl fast regelmässig durch Erfahrung eines äusseren Leides ausgelöst erscheint, dass Sündenvergebung und Wegnahme des äusseren Leides miteinander identifiziert werden d.h., dass die Vergebung in äusserer Wiederherstellung erlebt sein will, dass kultische Sünden ebenso ernst genommen werden wie schwere religiös sittliche Verfehlungen lässt diese Psalmen freilich hinter höchsten Äusserungen israelitischer Frömmigkeit, wie sie z. B. in Psalm 73 zu Tage tritt um ein Beträchtliches zurückstehen. Immerhin aber pulsiert in ihnen ein kräftig religiöses Leben und wir haben auf jeden Fall ein Recht, sie zu den edelsten Erzeugnissen auf dem Boden heidnischer Religiosität zu rechnen."—Bruno Baentsch, *Monotheismus*, p. 13.

<sup>9</sup> בֶּלְיָל is a term used both for the sin and the sinner (Judg. 20:13, cf. 19:22; Deut. 13:13; I Sam. 1:16; 2:12; 10:27; II Sam. 16:7; 20:1; I Kings 21:10). It indicates the voluntary disposition as does the word for folly נָקַל (Gen. 34:7; Judg. 20:6, 10; 19:23; II Sam. 13:12, 13; I Sam. 25:25, cf. II Sam. 3:33, "should Abner die as a fool dieth?").

<sup>10</sup> Dewey and Tufts, *Ethics*, p. 458; L. T. Hobhouse, *Morals in Evolution*, II, 264 f.

Lord, lay not, I pray thee, sin upon us, for that we have done foolishly and for that we have sinned. Let her not, I pray thee, be as one dead of whom the flesh is half consumed when he cometh out of his mother's womb" (Num. 12:11-15). An epidemic was the sin brought by Aaron upon Israel (Exod. 32:20 f., cf. 32:25 and Deut. 9:21), where death probably came to the guilty through drinking the magic water after the manner of the ordeal (Num. 5:23 f.), a remnant of the account being contained in 32:1-6, 15-20, 35. It is the plague of Egypt, the sin of all the nations that go not up to keep the feast; Saul's melancholia was a sign of impurity within, "an evil spirit from the Lord." The half-physical, half-moral character of disease is shown by the plagues brought by Moses upon Egypt by the use of his wand and laid by the same magic means. In the period of the New Testament, this thought of epilepsy and insanity as demon possession still persists, the unclean spirits leaving the man to enter into the swine, bringing immediate destruction upon them. Perhaps the same confusion between sin and disease lay at the basis of Jesus' words to the sick of the palsy: "Son, be of good cheer, thy sins are forgiven thee" (Matt. 9:2, cf. Mark 2:5; Luke 5:20); to the bystanders at least it bore the implication of the cure of his disease. The half-physical conception of sin colors the description of it as "something alive, crouching like a wild beast, ready to spring upon one" (Gen. 4:7); "sure to find one out" (Num. 32:23); "to be drawn as by a cart rope" (Isa. 5:18); capable of lying dormant in the soul from birth to be awakened by law (Rom. 7:8); having energy and life of its own as in Eden (Gen., chap. 3). Sin, like disease, is cleansed by magic washings (II Kings 5:10 f.; Lev. 13:6, 34 f.; 14:11-20; 16:26); by burnings (Num. 16:46; Isa. 6:8, cf. Ps. 6:1, 2); by exorcism (I Kings 17:18, 21; II Kings 4:31-33); and by transference by means of the scapegoat (Lev. 6:24-7:7; 16:21 f.). The indefiniteness and scope of the notion of sin in this early period was due to the fact that man was an indefinite and incoherent aggregate of interests which had not yet assumed the form of even individual and community purpose.<sup>11</sup> Whenever, for any reason,

<sup>11</sup> "The moral feeling at this stage is not disengaged from a prudential dread of human vengeance or of mysterious forces in which there is nothing peculiarly moral." —Hobhouse, II, 73.

a social custom vital to the life and welfare of the *community* became conscious of itself, it was formulated as the expression of the personal will of the god or spirit. When Yahwe entered into historical relations with Israel as national God and Deliverer, he appeared as the protector of custom, law, and justice.<sup>12</sup>

Any breach of custom or law becomes, then, an act of disobedience, of rebellion against God who avenges all such affronts to his holiness (Josh. 7:11; I Sam. 14:35 f., 38; 15:24). This is the prevailing conception of sin in the Old Testament founded upon the social *mores*, given supernatural sanction (I Sam. 15:22; Exod. 21:1; Deut. 4:13, 14). In the national religion in which the conception of Yahwe was better co-ordinated and in which custom and taboo had more definitely and consciously outlined the approach to Yahwe, every breach of ritual was regarded as sin. Yahwe was to be approached under carefully prescribed conditions of ritual cleanness (Gen. 35:2; I Sam. 6:19 f.; 7:1), a quality not ethically conditioned but physically and ritually so, a quality attainable by a man (Gen. 35:2; Exod. 19:10 ff.), by an object (Exod. 30:37; I Kings 7:51; Lev. 17:10 ff.), or by a place (I Kings 8:64; Exod. 3:5), in equal degree, but which when attained effectually bars its possessor from profane or common life. It really answers the purpose subserved by the later idea of property, separating by its infectious holiness everything belonging to Yahwe and his service.<sup>13</sup> Any accidental or careless disregard of the divine sanctity reacted automatically upon the offender, as in the case of Uzzah and of the sons of Eli (I Sam. 2:12 f.). The fear of Yahwe (Gen. 31:53) was the restraining influence, a fear so real that a sin against the cult was more serious than moral sin; the distinction between clean and unclean was more important than that of good and bad. The earliest customs to come to consciousness were those relating to sex (Gen. 13:13; 18:20; 20:6; 34:7; 35:22, cf. 49:3; Judg. 19:23; 20:6-10, 12 f.; II Sam. 12:13; 13:12), to blood revenge (Gen. 4:10, 13-15, 23 ff.; 9:6; 42:22; Exod. 21:14; Judg., chap. 8;

<sup>12</sup> Gen. 4:10 (J); 42:22 (E); 18:19; 31:49 f.; 38:1-10; 50:20; Exod. 18:15 ff.; chap. 20; 21:14; 22:20 ff.; chap. 34; I Sam. 20:42, cf. 20:23; II Sam. 21:1-3.

<sup>13</sup> "Possession is not property; but when society recognizes one's rights to a thing and undertakes to protect him in that right, that is property."—Thomas N. Carver, "The Economic Basis of the Problem of Evil," *Harvard Theological Review*, I, 107.

II Sam. 4:10-12), to hospitality<sup>14</sup> (Gen. 18:2 ff.; chap. 19; Judg. 19:23; I Sam. 25:39), and to property (Gen. 31:32; 44:9; Exod. 21:22-26; 22:2-17; II Sam. 12:1-7, 13; I Kings, chap. 21). An oath, vow, and ban were especially sacred in times of war or in national danger, their breach precipitating pestilence, famine, and defeat (Josh., chap. 7; Judg., chap. 11; I Sam., chap. 14; 15:14 ff., 21, 32 ff.). So direct and sure was the vengeance of Yahwe that it had the aspect of the automatic. And the "conception of inherent retribution following as an automatic consequence of the wrong act lies close to the permanent moral consciousness of mankind, closer than the alternative theory, that of punishment *ab extra*, since it is in the moral order itself."<sup>15</sup> No one can read the narrative of the dramatic discovery, condemnation, and elimination of the sin of Jonathan and Achan without noting the completeness with which the "consequences of the act are referred back to the original impulse and enter into the structure of consciousness."<sup>16</sup>

Sin, then, has no fixed content, it is not to be judged by an absolute ethical standard, the essential thing is that it should function in the fulfilment or organization of an interest. The point is not the ethical value of the custom or taboo, it may be irrational or repellent to the modern; its connection with the life-processes of the group might be accidental, due to the limitations in the experience of man and to the confusion of intellectual categories. Sometimes an absurd custom or an act, immoral by our standard, is "embedded in the life of the people, knit together with the whole body of memories and traditions, carrying as well as carried by the customs involved in the whole scheme of social life. It can be condemned only by showing how obsolete the situation is."<sup>17</sup> Such, for example, are the sex cults prevalent in the Orient today, and such were the sex disabilities connected with the ownership of women current among the Hebrews during the Old

<sup>14</sup> "In der Ausübung des Gastrechts sah man ein Gottesgebot, in der Verletzung des Gastrechts wurde die Gottheit beleidigt. Die grauenvolle Art auf die der Mann der zu Tode geschändeten die Schandtät bekannt macht lässt uns die furchtbare Erregung nachfühlen, die ihn durchzittert. Hos. 8:4."—Bennewitz, p. 117.

<sup>15</sup> Hobhouse, I, 53.

<sup>16</sup> J. Dewey, unpublished lectures on the "Evolution of Morality."

<sup>17</sup> Dewey, unpublished lectures.



Testament period. It is true that certain acts, such as murder, adultery, stealing, have been pretty generally condemned as destructive of social values, but it is just this human experience which proves them such. Even so, they have to be redefined and analyzed in every new social situation. The concept of adultery has varied through the ages in accordance with the sex of the party concerned. "Two crimes are acknowledged as shameful and sins among the Arabs: adultery and murder. But murder, when on a raid or in blood-revenge, is no murder."<sup>18</sup> In Israel it was a sin that David should number his people (II Sam., chap. 24), but it was right that Jephthah should offer his daughter in payment of a vow (Judg. 11:34 ff.), or that Abraham should sacrifice Isaac (Gen., chap. 22). "The habit of cleanliness is so ingrained into the Japanese character that in Shinto actual personal dirt is more than moral guilt. To be dirty is to be disrespectful to the gods."<sup>19</sup> Here cleanliness has become an object of attention in itself, the social expression of the fulfilment of an interest. Personal dirt creates, then, a moral situation just as a breach of taboo, a harmless thing in itself, was found to have done.

The period of the prophets brought the fundamental reconstruction of attitudes and habits, the occasion of change being emigration into new natural environment and conflict with a nation whose methods of warfare were more developed and whose civilization presented new needs, new desires, new ends. The readjustment issued at first in a disorder marked by the breaking-down of the old *mores* without a conscious adoption of the new—"every man did that which was right in his own eyes," by the use of individual wit and judgment. After the first stage of settlement and of local conquest, organization became the demand of the new life both for internal order and for external conquest. With the successful wars of the king, treasures began to pour into the kingdom, followed by a rapid development of trade by land and by sea (I Kings 5:25; 9:26 ff.; 10:11 f., 28 f.; Hos. 12:6; Isa. 30:6; I Kings 9:18, cf. II Chron. 8:9). That the rapid development produced conflict is shown by the rise of political parties and the

<sup>18</sup> Curtiss, p. 124.

<sup>19</sup> Quoted from Irving King, *The Development of Religion*, p. 112.

frequency of revolution each backed by a special interest. The importation of foreign goods, foreign ideas and manners also made luxury, self-indulgence, power, and wealth the great ends in life. In the scramble for these, class feeling and personal injustice displaced the old equality and love of freedom (Amos 5:10-12; Hos. 4:2), which had been emphasized anew at the formation of the Northern Kingdom. Shameless exercise of power, inequality before the law, disregard of contract, and commercial fraud made social and economic questions difficult, the free, virtuous, and beautiful activities of life impossible for the poorer and weaker classes. Oppression and extortion marked the attitude of the one, the urgency and necessity of mere living characterized the other; the enjoyment and profits of trade had been appropriated by the one, the burdens of long and continuous war bore heavily upon the other; the rich were adding field to field (Isa. 5:8 f.), the small landowners were being sold into slavery for debt; the oppressors were making good with the judges by bribes, the case of the weak was being thrown out of court; the rich were dissipating their lives in feastings and frivolities and corrupting practices at the high places; the poor went naked and unfed. That really happened which has repeatedly happened in the progress of nations: the individual reacted more quickly than society was able to do, with the result that the individual best fitted to do so had survived in the struggle, those disadvantaged had gone to the wall. In north Israel, revolution had kept the balance by weakening the central government until commercial life had developed a new group principle. Those who failed in the struggle fell into the inferior status of slave with the loss of civil rights, such as the right to hold property (even their own wives and children—Exod. 21:4), right of marriage, and the right of personal freedom. Those who succeeded became leaders, masters, independent of the group, and serving or using the group at will. This disorganization of society incapacitated the government at the time when coherence and unity were necessary for the political salvation of the state. With no well-developed doctrine of rewards in a future life and with the burning sense of injustice on the part of the suffering poor, supplemented by the enervation of character resulting from the sudden attain-

ment of wealth on the part of the rich, there was no inspiring incentive for the common man to cope with an enemy whose numbers, organization, and zeal had changed the map of the then known world.

During this period, the worship of Yahwe was enriched by the appropriation of the Canaanite high places with their mazzebahs, asherahs, and round of agricultural feasts and magic practices associated from time immemorial with Baal and his female complement. As a matter of fact, the forms of worship at the high places had the closest possible connection with the old Semitic forms found in Phoenicia, Arabia, and Babylonia<sup>20</sup> and took their origin in the animistic concept of the Semites to whom the mutilations, dances, feasts, ecstasies, and sacred prostitutes connoted certain social values of fertility, power, and well-being (I Kings 12:24; Amos 2:7; Hos. 4:13; Deut. 23:17, 18).<sup>21</sup> Reactionary movements appeared in the cult when Saul sought to suppress witchcraft and necromancy (I Sam. 28:9), when Jerubbaal threw down the altars of Baal (Judg. 6:25-31), and when Asa deposed the queen mother for making an image of Astarte (II Kings 15:12 f.). A definite change in attitude toward Baalism was registered in the reaction led by Elijah in which the exclusive principle resident in Yahwe gained historical embodiment. It was a conflict between the type represented by the desert and that represented by the new land of agriculture, of commercial and political alliances: a conflict between registered values in symbols in which the concept of Yahwe as the god of war and of justice, the champion of the weak, the oppressed, the widow, the orphan, and the stranger, was welded with the concept of exclusiveness, just because both concepts were sufficiently *vital* to the needs of the situation to prevail. The problems of life which pressed hardest upon the nation were no longer

<sup>20</sup> The Semitic material first gathered by Robertson Smith from literary sources has found abundant illustration both in the Semitic customs existent among the Arabs today and in the tablets brought to light by modern explorations. For the interpretation of Deut. 24:8 ff., see Schwally, *Kriegesalterthümer*, I, 81 ff.

<sup>21</sup> The worship of Astarte, the goddess of fertility, was as characteristic of the Semitic race as its language. Cf. Dr. George A. Barton, *A Sketch of Semitic Origins*; Sellin, *Tell Ta'annek*, Wien, 1904; Bliss and Macalister, *Excavations in Palestine* 1902; *Palestine Exploration Fund Quarterly Statement*, 1904, pp. 229 ff.

those connected with an animistic view of nature. The impassioned words of Amos, Hosea, and Micah ring with the enthusiasm of new values and the claim of new spiritual and fundamental necessities. Justice was the demand of the hour; to oppress the poor with violence and to retain the favor of Yahwe by providing a pilgrimage or a feast at the high places (Amos 2:8; 4:4; 5:5 ff.; Hos. 6:1-3; 13:2 ff.; Isa. 1:21-23; 3:13 ff.) was repugnant to the moral sense of the prophet, and, we may well believe, to the moral sense of others also. Ethical standards in commerce were gradually shaping themselves to meet the necessities of business enterprise. The need and value of honesty, veracity, just balances, and keeping faith are traceable in the prophets who studied the field and in numbers of proverbs culled from trade, such as "a false balance is an abomination to the Lord, but a just weight is his delight" (Prov. 11:1; 16:11; 3:27, 29, 31; 10:4; 11:3, 4, 5; 22:1, 7, 22 f.). A trade like that of Solomon's with Egypt and the provinces in Asia Minor could not have been built up upon mere shrewdness in bargaining. The code of Hammurabi has a series of elaborate laws controlling trade by boat and caravan. It governs business relations between the merchant who is the principal and his agent who goes off to seek the market (§§ 101-7); it regulates warehouses (§§ 122-25), deposits of interest on money (§§ 49, 50, 100), debts (§§ 115-17), sales (§§ 35, 278-79), and hire (§ 228). Such laws in Israel would connect with those fixing responsibility for loss in case of loan or guardianship (Exod. 22:7-15).

The standard of purity for women had developed so that the demands of the cult at the high places had grown offensive to the better class of citizens (Gen. 38:20 f.; Isa. 3:16-4:1; Hos. 2:1-13; 4:10-14; Deut. 23:18; I Kings 14:24; 15:12 f.; II Kings 23:7), the natural elements being calculable in so far as to bring the fertility of the earth more or less under human control. In other words, the cult at the high places had broken loose from life and was being developed as an end in itself, for true religion had left it behind as a survival of the outworn, a very obstacle to morals and to religion.<sup>22</sup> It was like the sex cults of the Orient today which

<sup>22</sup> Alfred Bertholet, *Kommentar zu Deuteronomium*, p. xiii.

are outworn and yet have never been reinterpreted into the life and thought of the people. The primary religious need of the times was the destruction of the high places and the extirpation of the *animistic powers*, a need which the priests must have felt as forcibly as the prophets.

The prophet of the eighth century organized these individual interests into an interest of the community. He caught up the great values of his day, right and justice, and created a definite active attitude toward them upon the part of the community. No doubt the original incentive to this activity was given by the disaster threatening the state. Yahwe, the national god, was angry with his people; such serious misfortune awaited them that national sin was indicated. That sin would be found in the moral realm is not unique to the Hebrew prophet. A similar consciousness of injustice, dishonesty, violence, and oppression as sin is found in the Shur-pu tablets of Babylonia<sup>23</sup> and in the Egyptian Book of the Dead.<sup>24</sup> The unique thing in Israel is that our prophet connected morality with the element of exclusiveness; he conserved the internal and the external interests by welding the concept of a national god and that of a world god into an organic whole. To Amos the ritual ceremonies were not only evil but the cult as performed was hateful to Yahwe; it was no longer a means of communication between God and man. That more important to Yahwe is to do justice and to practice mercy and truth (Amos 5:21-24; Hos. 6:6, cf. 10:12; Isa. 1:11 ff.; 29:13; Mic. 6:6-8; Jer. 7:21-28). Commercial wrongs were not matters of business only, having no bearing upon religion; they are of the greatest concern to God, more important than taboo or ritual. In other words, the moral issues have become so paramount that Amos swings the moral into the place heretofore assumed by the ritual and by this change of emphasis he conserves the new social values evolved and gives to the religion of Israel that unique ethical quality which differentiates it from the religions of Phoenicia, Canaan, and Arabia. Hosea discerns the real character of the

<sup>23</sup> H. Zimmern, *Babylonische Busspsalmen umschrieben, übersetzt und erklärt*, 1885, and *Babylonische Hymnen und Gebete*, Leipzig, 1905.

<sup>24</sup> E. A. Budge, *The Book of the Dead*, London, 1898, 1901.

worship at the high places to be Baalism. Their idols (3:1; 4:17), images (8:4 f.; 11:2; 13:2), the whole apparatus of the high places (4:8, 13 f.; 8:11-13; 13:1), partake of the spirit of whoredom (1:2; 2:4-7; 4:11, 12, 15, 18; 5:3, 4, 7; 6:10; 9:1; 11:7). Baal is the false lover who has led Israel astray, the representative of nature and the animistic, natural powers. With this allegory of marriage Hosea gets a purchase whereby he can oppose Yahwe to Baal and bring the consciousness of the moral laws to the common man. Not only is Yahwe different in character from Baal but true religion partakes of a mystic and pietistic character; it is an inner relation of faith, loyalty, and truth. Isaiah develops this relationship to mean that every lack of confidence in Yahwe, every feeling of pride, haughtiness, and disbelief is sin (1:2; 2:6-22; 3:8-16 f.; 7:3; 10:6 ff., 15, 33 f.; 22:8-11; 31:7) against the holy and exalted Lord God of Hosts (Isa. 5:16; chap. 6; 30:18). A mere ecclesiastic insistence upon the exclusive principle resident in Yahwe would not have affected the people at large<sup>25</sup> had not the new movement in Yahwism been representative of the new social and ethical values. It was the concept of social justice that stirred the social judgment and will and that fused religion with morality into a union more organic than that existent among other oriental peoples.

Israel did not come to the concept of monotheism by the way of speculation. Like belief in the future state, the thought of Yahwe as a world god was the working rule for the solution of a practical difficulty. The interests of Israel, commercial and otherwise, had led her among the nations of the earth. The temple of Yahwe at Elephantine and Leontopolis and the custom of making contracts show that Yahwe, like the good mother of the modern home, had to cross the threshold of his own land in order to conserve the welfare and interests of his children. Now that Canaan was the arena of the struggle for empire and now that her highest interests were identified with the establishment of the moral, these external and internal interests could be achieved only by a god able to cope with the world-forces outside of his own territory. For

<sup>25</sup> Cf. the ecclesiastic reform of Pharaoh Amenophis IV.—Adolf Erman, *Aegyptische Religion*, Berlin, 1905, pp. 67-69.

while he was no longer indissolubly connected with Israel through physical kinship, he was indissolubly identified with her supreme interests. If he could not conserve these, he would be superseded as a god. But loss of nationality did not necessarily involve the loss of Israel's supreme interests; disaster regarded as punishment would rather indicate its use as a corrective leading to healing and restoration. Thus the moralization of the national god and his identification with the world-god are the evolution of the same historic crises; they were the center of attention, of the national consciousness, at the same time. Once obtained, this concept of Yahwe would find support in all the activities heretofore ascribed to him; the fact that he was not identified with a symbol, that he was located in the heavens, and that he ruled over nature would strengthen the hypothesis until, like a scientific theory, its truth was believed to have been demonstrable. The prophets, as the intellectual and religious leaders of the race, were the men of faith who tried to make Israel good by the elimination of evil, who taught the ultimate conservation of all values, through the acceptance of moral truth, promising that in the future "every man shall sit under his own vine and fig tree and none shall molest them or make them afraid."

The work of fusion, however, was not that of an hour or of a day. The public preaching of the prophet was followed by the formulation of the prophetic ideas in writing, the rewriting of the patriarchal stories, the interpretation of history from the new point of view, and the development of law as a standard of duty and of rights, for civil rights become effective only when enforced or redressed. In the pregnant phrase of Aristotle, the administration of justice is also its determination,<sup>26</sup> that is, its discovery and promulgation. The conflict of interests that arose during the prophetic period could be settled only by the clearer formulation of legal details. As a matter of fact, "the fear of Yahwe" is no substitute for the courts. The Deuteronomists attempted to collect the laws which were effective in the community in their time and to modify

<sup>26</sup> "The principles of legal justice are not due to crude legislation but to the continuous and co-operative attempts at doing justice in concrete cases. Principles are judgemade."—S. P. Mezes, *Ethics, Descriptive and Explanatory*, p. 306.

these in so far as the reform in the cult and the higher ideals of justice demanded (Deut. 30: 11-14).<sup>27</sup> They preserved the traditions of the law in the various strata reaching back to the agricultural and nomadic period and by the publication<sup>28</sup> of the new contributions as an essential part of the Mosaic code. Despite the fact that Deuteronomy is a compilation, it makes a substantial contribution to justice and reform. In the legal reform of the cult, the new Yahwism allied itself with all the reactionary forces in religion, with the assertion of monotheism against everything foreign, immoral, animistic, and Baalistic. The extirpation of foreign cults (13: 1-9; 17: 2-7), asherahs and mazzebahs (16: 1 f.; 12: 3; 7: 5), mourning rites (14: 1 f.), all kinds of divinations, magic (18: 10 f.), and Moloch worship (12: 31; 18: 10) are demanded with "sanguinary thoroughness."<sup>29</sup> The reform was ineffective in breaking up the popular use of idols as shown in the later books of the Old Testament and in the recent Aramaic finds in Egyptian excavations.<sup>30</sup> The moral did, however, gradually cast out the unethical, modifying or reinterpreting all the practices in which religion was formerly expressed, such as the covenant, circumcision, clean and unclean. Thus the cult was removed as an obstacle to the higher religious development. Idolatry becomes, then, a breach of the law of Yahwe and an offense against the law of the state, to be punished by the total destruction of the city or the individual practicing it.

<sup>27</sup> Karl Steuernagel, *Kommentar zu Deuteronomium*, pp. x ff.

<sup>28</sup> It is manifest that the knowledge of law by the people would be one of the strongest elements in the maintenance of impartiality in judgment and in the upholding of the innocent in their rights: cf. the purpose of publication avowed in the prologue to the code of Hammurabi: "That the great should not oppress the weak, to counsel the widow and orphan, to render judgment and decide the decisions of the land and to succor the injured . . . that the oppressed who has a suit to prosecute may come to my image, that of a royal king, and read my inscription and understand my precious words and may my stele elucidate his case" (cf. Deut. 31: 9-13; 6: 6-9, 20-25; 11: 18-29).

<sup>29</sup> G. F. Moore, *Encyclopaedia Biblica*, article "Deuteronomy," p. 1093.

<sup>30</sup> "Man kann allenfalls fünf Götter aus den Papyri herauslesen; zwei, Jähō und Herembethel sind bezeugt, und 'Anat-Bethel, 'Anat-Jähō und Išum (?) -Bethel können als Götter gedeutet werden (cf. Jer., chap. 44)." — *Aramäische Papyrus und Ostraka aus Elephantine*, bearbeitet von Ed. Sachau, p. xxvi.



Public punishment,<sup>31</sup> originally reserved for acts shocking to public conscience (I Kings 21:9, 13, 21; Exod. 22:28, cf. Lev. 24:10 ff., 16; Job 2:9), especially in times of community danger, such as war (Gen. 34:30; Judg., chap. 19, esp. vs. 30; Judg., chap. 20; Josh., chap. 7; Deut. 23:9 ff.; I Sam., chap. 14; II Sam. 21:5 ff.), now includes injury to the person (17:8-13, cf. 19:18; II Chron. 19:8-11), to the property, or to the reputation (22:13-21). Justice dispensed in order to force a settlement of quarrels or feuds grown dangerous to the community now attempts an impartial decision (16:18-20; 25:1; 27:25) between the rights and claims of different claimants.<sup>32</sup> Judgment by means of ordeal<sup>33</sup> or by the pronouncement of a magical decision has come to rest upon testimony as to the facts in the case (Deut. 19:15-21; 17:6), the number and responsibility of the witnesses being fixed by law. "Although there was still a blur of justice and injustice, an undeniable effort was made to realize justice by overcoming fraud, bribery, and partiality." Life is to be protected instead of merely countenancing retaliation<sup>34</sup> (19:1-13; 21:1-9); rights are generally recognized which had been claimed only by individuals and enforced by superior strength (24:16, cf. Jer. 31:29; Ezek. 18:4). Great ideals of personal conduct were conceived, such as justice, goodwill, loyalty, and love (10:18-11:1). Character, the attitude or subjective disposition of a man, becomes the subject of moral judgment. The magico-animistic basis of obligation is discarded; duties and rights attach to members of society as such or are based upon the voluntary covenant with Yahwe and his demands in presence of the national danger. Thus a sentiment against the commission of certain social and religious crimes was growing at

<sup>31</sup> "The bulk of acts which infringe the right of other men are not, strictly speaking, acts regarded as inherently wrong but as legitimate occasions for vengeance to be inflicted by the sufferer and his kinsfolk, if strong enough to do so."—Hobhouse, II, 73.

<sup>32</sup> For the establishment of justice between man and man, two things are requisite, an authoritative law on the one hand, and an authoritative tribunal on the other.

<sup>33</sup> "The survival of even one case of ordeal by holy water leaves no doubt as to the sense of the 'fountain of judgment' (En-mishpat) or 'waters of controversy' (Meribah), Gen. 14:7; Exod. 15:25, where Moses decided the cases too hard for the tribal judges."—W. R. Smith, *The Religion of the Semites*, pp. 179 ff.

<sup>34</sup> Dewey and Tufts, chap. vi; Hobhouse, chap. iii and appendix to chap. iii.

the very time when the captivity and the fall of Jerusalem, by prohibiting sacrifice and ritual, emphasized the moral values and the subjective disposition. Repentance, obedience, and reconciliation became the study of the exile with the purpose of putting away a lower past and readjusting life to meet an ideal good. Responsibility for the stern enforcement of these laws with the fear of divine retribution created at last the sense of sin at their breach with the result scarcely anticipated by the prophets, that of fixing the will of Yahwe in a written law.

Conduct came to be tested by a standard, by conformity to a hard and fast rule, rather than being a "matter of spirit and of constant reconstruction"<sup>35</sup> and liberation of spirit as Jeremiah (31:31, 34) and Jesus conceived it to be. Sin is a term used, then, for those acts contrary to the moral order of human society, the punishment of which is gradually assumed by the courts and which is known to modern law as crime or tort. Sin, in this sense, is the infringement of individual interests upon the totality of interests, a refusal to recognize social duties and obligations. Just because the Jews became a religious body within a political state, a confusion of legal with moral guilt arose. The sense of sin at the breach of law became so great that a professional class of interpreters of the law arose and the law finally displaced the cult as the center of Judaistic religion. At the same time that this distinction of sin as an objective act was being emphasized, sin became also the disposition, attitude, or evil will back of the act. This element of ethical inwardness in the prophets was taken up by Christianity into the concept of the "outgoing, objectifying, socially effective attitude of will which proved a man's motive or his sinfulness."<sup>36</sup>

In this study, then, the primitive meaning of sin "to miss the mark" is to fail in achieving an immediate or ulterior interest with reference to which action is performed. This identifies itself with a certain definite social feeling aroused by the breach of custom and taboo, just because custom and taboo hedge about the conspicuous points of failure. The authority of custom lay in its

<sup>35</sup> Dewey and Tufts, *Ethics*, p. 103.

<sup>36</sup> E. S. Ames, *The Psychology of Religion*, p. 189.

appeal to human experience; its lack of finality in the interpretation of that experience as the work of magical and wilful natural powers and in the fact that no discrimination was made between moral and physical evils. The first human values to evolve were health, fertility, prosperity, victory in battle; the sense of sin was focused at the breach of those primitive customs which imperiled these values, such as the customs relating to sex, blood-revenge, hospitality, and property, or at the breach of the ritual through which the mysterious will of Yahwe might be appeased. We have traced the growth of interest to include social justice, good will, and moral service. Perhaps the early control of nature by the Hebrews is discernible in their repudiation of the magical, animistic powers of fertility and in the ascription to Yahwe of control over the heavenly bodies (Gen. 1:16; 2:1; Judg. 5:20; Isa. 40:26; Job 38:7; Deut. 6:19; Jer. 10:2) and the change of seasons (Hos. 2:8, 21; Isa. 1:3). Society formed and reformed its values according to the fundamental necessities of the environment and according to the ends and interests which it was called upon to sustain. Custom grew up to conserve these new interests and values and conscience developed in determining the significance of new habits to society. All sin is sin against God, not so much because God is the protector of right as because he is a moral personality whose purpose is become the national purpose, that of a thoroughgoing establishment of the moral in Israel and the world.

The conception of misfortune as punishment for sin has undergone all the transformations characteristic of social justice. Originally every misfortune was the punishment of Yahwe upon a sin against himself, be that sin intentional or accidental, known or unknown. At first, it was only a working rule representative of a crude sort of justice by a power which was impulsive, jealous, and vengeful. That was צדק which conformed to certain objective standards, without regard to the ethical element in the case.<sup>37</sup> Later, as the concept of justice developed away from the principle of revenge toward that of retribution, bringing back to the agent the evil consequences of his deed, the basis of judgment was more

<sup>37</sup> Emil Kautzsch, *Ueber die Derivate des Stammes צדק im Alttestamentlichen Sprachgebrauch*, Tübingen, 1881.

carefully interrogated. As we have tried to show, it was in the struggle for legal and social justice and in the endeavor to conserve the highest interests of Israel that the prophets fused morality with religion and welded the national god with the world-god. Sin and punishment are not two heterogeneous things, but hang together in the closest subjective relations, as Hosea and Jeremiah have shown. Sin is its own punishment. It, itself, separates from God. The history of Israel is worked through from this point of view, the rise and fall of nations are explained through the out-working of moral justice. Its application to the individual is more difficult, but practical difficulties did not disturb the faith in God nor the prestige of morality. For when the comparative fate of the individual was felt to be inexplicable upon the basis of conduct, another world was posited in which justice might restore the balance of disturbed law by rewards and punishments after death.